

To: jjiani@perkinscoie.com
From: Owens, Kim
Sent: Mon 3/4/2013 8:37:33 PM
Subject: RE: Re:

As I mentioned, this question bears on issues that may come before the Ninth Circuit. If a stay is in fact requested, we will coordinate with DOJ on the effects of a stay and any related legal arguments that petitioners may raise. Until then, we're not in a position to discuss potential scenarios.

Is Shell planning to intervene in the appeals?

From: Iani, L. John (Perkins Coie) [<mailto:JIani@perkinscoie.com>]
Sent: Friday, March 01, 2013 1:55 PM
To: Owens, Kim
Subject: Re:

Thanks Kim. I am not sure what Shell wants to do for Geotech work in 2013, but I am fairly sure that they will need to revisit the prospects wells they started in 2012 to ensure that no back filling has occurred. I believe they can do so under current NOIs filed on the old GP and the ones filed under the new GPs. If a stay is requested and granted, could the work go forward under the old GP?

From: Owens, Kim [<mailto:Owens.Kim@epa.gov>]
Sent: Friday, March 01, 2013 11:47 AM
To: Iani, L. John (Perkins Coie)
Subject: RE:

Hello John,

We have received two challenges to the general permits, one from the Alaska Eskimo Whaling Commission, represented by the CRAG Law Center, and the second from the Alaska Wilderness League, Center for Biological Diversity and NRDC, represented by Earthjustice.

Your question regarding the effect of a stay raises APA issues that we will need to address with DOJ if a stay request is filed. Shell's decision not to pursue exploration activities in 2013 may affect whether we see a stay request, as petitioners may have difficulty showing irreparable harm. For those reasons, I'd propose deferring that discussion until we see what transpires. - Kim

From: Iani, L. John (Perkins Coie) [<mailto:JLani@perkinscoie.com>]
Sent: Monday, February 25, 2013 2:24 PM
To: Owens, Kim
Subject:

Hi Kim,

Would you kindly let me know if you (EPA) receives any challenges to the Chukchi or Beaufort NPDES permits. I think tomorrow (Feb. 26) is the last day to file a challenge in the 9th Circuit.

Thanks,

John

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